

REMARKS

In accordance with the foregoing, claims 1 and 4 have been amended, and new claims 7-11 have been added. Therefore, after entry of the foregoing claim amendments and new claims, claims 1-11 will be pending and under examination. No new matter is being presented, and approval of the amended and new claims is respectfully requested.

Rejections under 35 U.S.C. §103(a)

The Examiner has newly cited Hara et al. (U.S. Patent No. 6,538,686) in rejecting claims 1-3 under 35 U.S.C. §103(a). Claims 4-6 similarly stand rejected as being unpatentable over Hara in view of Kosaka (U.S. Patent No. 6,281,925). The rejections are respectfully traversed and reconsideration is requested. The following is a comparison between embodiments of the present invention and the cited art.

Independent claim 1 is directed to a mobile telephone device provided with a television broadcast-viewing function, comprising “a controller for reading out, in the television broadcast viewing mode, the setting information on the image in the television broadcast viewing mode from the memory so that a setting of a display device is made, and for reading out, in the telephone mode, the setting information on the image in the telephone mode from the memory so that a setting of the display device is made.”

As an exemplary advantage, embodiments of the present invention are configured to provide two distinct setting values: one setting value for television mode and another for telephone mode. For example, embodiments of the present invention provide a setting of the driver of the display device 6 and the speaker 7 based on the related information, which is read out from memory. (See paragraph [0031] of the present specification). “The driver performs a setting for brightness (supplied power) of the backlight based on the screen luminance information, etc., for example, and the speaker unit 7 performs an amplification factor setting.” (See paragraph [0031] of the present specification).

Hara is directed to a communication terminal that includes a memory for storing a table in which data for identifying a destination of a communication and a resolution of a display device of the destination are associated with each other. (See Abstract and Fig. 5). The communication terminal includes an image processor for generating image data with a resolution of the display device of the destination, determined based on the table.

The Examiner states that the table TB1 of Hara indicates which screen settings (*e.g.*, resolutions) of display section 40 will be used for video images. Applicants submit, however, that the Examiner may have misinterpreted certain teachings of Hara. Table TB1 stores destinations of transmitted data and resolutions of the display device *at the destination* (*i.e.*, the display device to which the data is transmitted). Thus, the user of the communication terminal of Hara can control what resolutions to use when *transmitting data to various destinations*. However, table TB1 does not store resolutions of the display section 40 of the communication terminal used for various video images.

In order to further clarify these distinctions between embodiments of the present invention and the cited reference, independent claim 1 is amended herein to explicitly recite that the mobile telephone device comprises the display device of which a setting is made in both the television broadcast viewing mode and the telephone mode. It is respectfully submitted that this amendment further distinguishes the device of Hara, which is merely capable of assigning resolutions of an image to be sent to other terminals at various destinations.

It is further noted that the Examiner states that Hara teaches that power consumption is essential to the invention and, thus, in order to further conserve power during the voice-only telephone mode, it would have been obvious to one of ordinary skill in the art to turn down the brightness of the display section.

However, any power consumption discussed in Hara is regarding data transmission, whereby reducing the resolution of the data transmission to destination terminals can result in lower power consumption. For example, Col. 13, lines 29-36, (cited by the Examiner) states:

“According to the embodiment described above, data volume of the communication is reduced by controlling the transmission of the image data with the resolution corresponding to the resolution of the display device of the destination at the time of transmission of the image data from the communication terminals. Therefore, wasteful power consumption of the battery can be suppressed when the communication terminal apparatus is a portable device.”

Hara makes no mention of conserving power by lowering a luminance level of a display section during a telephone mode. Applicants respectfully submit that it is inappropriate to merely *assume* this feature is implicit to the disclosure of Hara. As a result, this rejection therefore should be withdrawn.

As a result, it is respectfully submitted that independent claim 1 patentably distinguishes over the cited art. Similarly, independent claim 4 is amended to clarify that the mobile telephone device comprises the sound output portion of which a setting is made in both the television broadcast viewing mode and the telephone mode. Therefore, the foregoing arguments are further submitted for independent claim 4, which, along with the pending dependent claims, patentably distinguishes over the cited art for at least the foregoing reasons.

New Claims 7-11

New claims 7-11 are supported throughout the application, particularly at paragraphs [0024]-[0032] and the corresponding written description of Figs. 1 and 2.

It is submitted that the prior art fails to teach or suggest at least that “the display setting information of the display device in the telephone mode can be set to include low luminance setting information for lowering the screen luminance of the display device with passage of a time period, while the display setting information of the display device in the television broadcast viewing mode can be set not to include the low luminance setting information or to include different low luminance setting information,” as recited in independent claim 7, for example.

Similarly, the prior art fails to teach or suggest at least “a controller for lowering the screen luminance of the display device with passage of a time period when the image in the telephone mode is displayed on the display device, and not for lowering the screen luminance of the

display device when the video is displayed on the display device,” as recited in independent claim 10, or “a controller for lowering the screen luminance of the display device with passage of a time period when the image in the creation mode is displayed on the display device, and not for lowering the screen luminance of the display device when the video is displayed on the display device,” as recited in independent claim 11.

Therefore, independent claims 7, 10 and 11, as well as dependent claims 8-10, are submitted to be in immediate condition for allowance.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 278542008700. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: January 19, 2010

Respectfully submitted,

Electronic signature: /Michael Stanley/
Michael Stanley

Registration No.: 58,523
MORRISON & FOERSTER LLP
12531 High Bluff Drive, Suite 100
San Diego, California 92130-2040
(858) 314-7795